

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

TAMMY WHITE,

Movant,

v.

CIVIL ACTION NO. 5:03-cv-02084
(Criminal No. 5:02-cr-00120-01)

UNITED STATES OF AMERICA,

Respondent.

JUDGMENT ORDER

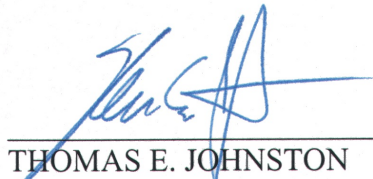
By Standing Order entered on May 20, 2002, and filed in this case on August 20, 2003, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation [“proposed F & R”]. Magistrate Judge VanDervort filed his proposed F & R on May 23, 2006 [Docket 166]. In that filing, the magistrate judge recommended that this Court (1) dismiss Movant’s motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence [Docket 101] and (2) remove this matter from the Court’s active docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort’s proposed F & R. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a *de novo* review by this court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Snyder v. Ridenour*, 889 F.2d 1363 (4th Cir. 1989).

Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge VanDervort, the Court adopts the findings and recommendations contained therein. Accordingly, the Court hereby (1) **DISMISSES** Movant's motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence [Docket 101] and (2) **DIRECTS** the Clerk to remove this action from the Court's active docket.

The Clerk is directed to mail a copy of this Judgment Order to all counsel of record, the plaintiff, *pro se*, and Magistrate Judge VanDervort.

ENTER: June 20, 2006



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE